IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23043 of 2007(R)

LAR.147/2001 of ADDL. SUBORDINATE JUDGE'S COURT, KOLLAM

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PETITIONER:

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1. N.VASAVAN, S/O.NEELAKANTAN,
   RESIDING AT PATTATHIL VEEDU, PANMANA.P.O.,
   CHAVARA, KOLLAM.

2. N.SIVARAJAN,S/O. NELLAKANTAN,
   RESIDING AT KARUKAYIL VADAKKATHIL,
   PANMANA P.O., CHAVARA, KOLLAM.

3. N.ARAVINDAKSHAN, S/O. NEELAKANDAN,
   RESIDING AT KARUKAYIL PUTHEN VEEDU,
   PANMANA P.O., CHAVARA, KOLLAM.

4. N.RAJENDRAN, S/O. NEELAKANTAN,
   KOCHU KARUKAYIL, OLAMTHURUTHU, PANMANA P.O.,
   CHAVARA, KOLLAM.

BY ADV. SRI. SIJU KAMALASANAN
SRI.PRATHEESH.P

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, KOLLAM.

BY GOVT. PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.23043 OF 2007 R

Dated this the 27th July, 2007.

JUDGMENT

This writ petition is filed seeking to set aside Ext.P3 order and to restore L.A.R.147/01. The short point that arises for consideration is whether the legal representatives of the original claimant should be impleaded or not on account of the delay caused in filing the impleading petition. The court below was not satisfied with the reasons given for the condonation of delay. It is true that there was a delay of 586 days in filing the application. Certainly the legal representatives should have filed it in time but they had not done so and even the eldest legal representative is aged 60 years. It is seen that both the parents died within a period of two months and certainly it would have caused mental agony to the claimants and they would not have been in a position to approach the court to find out whether a case is really pending or not. I am satisfied that the cause for the delay is properly explained and therefore the petition to condone the delay in making an application for amendment is allowed and abatement is also set aside and both the I.As are allowed. The court below shall carry out the necessary amendments and then after giving equal opportunity to both

sides dispose of the L.A.R in accordance with law and the court is at liberty to consider regarding the question of awarding interest for the period of delay that has been occasioned in filing the application for setting aside the abatement. The court below shall dispose of the matter as expeditiously as possible. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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